

### **ATTACHMENT NO. 3**

#### **ADDITIONAL STANDARD PROVISIONS**

1. *Review and revision of permit.* Upon application by any affected person, or on its own motion, the SDRWQCB may review and revise this permit. All requirements shall be reviewed periodically. [CWC 13263(e)]
2. *Termination or modification of permit.* This permit may be terminated or modified for causes, including, but not limited to, all of the following:
  - (a) Violation of any condition contained in this permit.
  - (b) Obtaining this permit by misrepresentation, or failure to disclose fully all relevant facts.
  - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. [CWC 13381]
3. *Material change:* Not less than 180 days prior to any material change in the character, location, volume, or amount of waste discharge, the discharger shall submit a technical report describing such changes. Such changes include but are not limited to the following:
  - (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
  - (b) Significant change in disposal method, e.g., change from land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
  - (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
  - (d) Increase in flow beyond that specified in the waste discharge requirements.
  - (e) Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CWC 13376, 13264, 23 CCR 2210]
  - (f) Any substantial change in the amount or characteristics of pollutants used, handled, stored, or generated.
  - (g) Any new discharge of pollutants or new potential pollutant source.
  - (h) Other circumstances which could result in a material change in the character, amount, or location of discharges. [CWC 13264, 23 CCR 2210]

4. *Transfers*: When this permit is transferred to a new owner or operator, such requirements as may be necessary under the California Water Code may be incorporated into this permit.
5. *Conditions not stayed*: The filing of a request by the discharger for modification, revocation and reissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.
6. *Availability*: A copy of this Order shall be kept at a readily accessible location and shall be available to on-site personnel at all times.
7. *Duty to minimize or correct adverse impacts*: The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
8. *Responsibilities, liabilities, legal action, penalties*: The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act. [CWC 13385, 13387]

Nothing in this Order shall be construed to protect the discharger from its liabilities under federal, state, or local laws.

Except as provided for in 40CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the discharger from civil or criminal penalties for noncompliance.

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

Nothing in this Order shall be construed to preclude institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authoring preserved by Section 510 of the CWA.

9. *Noncompliance*: Any noncompliance with this permit constitutes violation of the California Water Code and is grounds for denial of an application for permit modification. (Also, see 40CFR 122.41 (a))
10. *Discharge is a privilege*: No discharge of waste into waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights. [CWC 13263(g)]

11. *Permittee*: For the purposes of this permit, the term "permittee" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "discharger" used elsewhere in this permit.
12. *Director*: For the purposes of this permit, the term "Director" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "SDRWQCB" used elsewhere in this permit, except that in 40CFR 122.41(h) & (l), "Director" shall mean "SDRWQCB, SWRCB, and USEPA."
13. *Effective date*: This Order shall become effective ten days after the date of its adoption provided the USEPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.
14. *Continuation of expired permit*: After this permit expires, the terms and conditions of this permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on the continuation of expired permits are complied with. [40CFR 122.6, 23 CCR 2235.4]
15. *Applications*: Any application submitted by the discharger for reissuance or modification of this permit shall satisfy all applicable requirements specified in federal regulations as well as any additional requirements for submittal of a Report of Waste Discharge specified in the California Water Code and the California Code of Regulations.
16. *Confidentiality*: Except as provided for in 40CFR 122.7, no information or documents submitted in accordance with or in application for this permit will be considered confidential, and all such information and documents shall be available for review by the public at the offices of the SDRWQCB.
17. *Severability*: The provisions of this order are severable, and if any provision of this order, or the application of any provisions of this order to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this order shall not be affected thereby.
18. *Discharge Monitoring Quality Assurance (DMQA) Program*: The discharger shall conduct appropriate analyses on any sample provided by EPA as part of the DMQA program. The results of such analyses shall be submitted to EPA's DMQA manager. [SWRCB/USEPA 106 MOA]
19. *Pollution, Contamination, Nuisance*: The handling, transport, treatment, or disposal of waste or the discharge of waste to waters of the state in a manner which causes or threatens to cause a condition of pollution, contamination, or nuisance, as those terms are defined in CWC 13050, is prohibited.